



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 6, 1998

Mr. Charles Weir  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR98-2627

Dear Mr. Weir:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119329.

The City of San Antonio Police Department received a request for reports, photographs, and other information relating to a murder. You seek to withhold the requested information under sections 552.103 and 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor  
that deals with the detection, investigation, or prosecution of crime . . .  
if:

(1) release of the information would interfere with the  
detection, investigation, or prosecution of crime[.]

You advise that there has been a conviction in the criminal case which is the subject of the request, but that the conviction is now on appeal in the Fourth Court of Appeals. You furnish a letter from an Assistant Criminal District Attorney in the Bexar County District Attorney's Office confirming that the case is currently on appeal. Based on these representations, we conclude that you may generally withhold the requested information under section 552.108(a)(1).


Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). You

must these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Since we have disposed of your request under section 552.108(a)(1), we need not address your section 552.103 claim except to note, that absent a particularized showing, which you have not made here, "basic information" may not be withheld under that exception either. *See* Open Records Decision No. 597 (1991).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 119329

Enclosures: Submitted documents

cc: Ms. Phyllis Burke  
Litigation Paralegal  
Jackson Law Firm  
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(w/o enclosures)